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or the explanation of allusions will be of real assistance, but the remainder is either too obvious to be of much importance, or of such character that it will be rather a hindrance than a help to correct understanding of the documents noticed. These notes are not, what the editor seems to wish them to be, the necessary apparatus explanatory of a reliable source-book, but, either unintentionally or because he could not help it, merely an exposition of the German point of view, expounded more ably and with more moderation and restraint than it has been expounded by most of the partizans who have written in this cause, but possessing nevertheless most of the faults which have debased their presentation.

EDWARD RAYMOND TURNER.

La Belgique et les Juristes Allemands. Par CHARLES DE VISSCHER, Professeur à la Faculté de Droit de l'Université de Gand. Préface de M. J. VAN DEN HEUVEL. (Lausanne and Paris: Payot et Cie. 1916. Pp. xix, 134.)

Belgium's Case: a Juridical Enquiry. By CH. DE VISSCHER, Professor of Law in the University of Ghent. Translated from the French by E. F. JOURDAIN. (London and New York: Hodder and Stoughton. 1916. Pp. xxiv, 164.)

THIS study is of great value, and is the best on the subject. The author is so fitted for his task that in all places he can speak with authority and decision. He does not debase his science to plead, but having a case to expound, he proceeds through exposition with exact knowledge, wealth of illustration, and calm analysis of theories and statements. What Belgians must regard as an awful crime committed upon their country may have filled his heart with bitterness, but there is no trace of it in the writing; and his erudition and critical judgment are equalled by a calmness and detachment which might pertain to disquisition academic about events of a great while ago. In the end temperateness no less than ability renders most of the conclusions irresistible. The translation, not literally faithful with respect to some details, is nevertheless accurate and good.

The author distinguishes between *Notwehr*, self-defense, and *Notrecht*, right which necessity may induce, characterized by conflict of rights and duties. With this latter many have defended the invasion of Belgium. Josef Kohler says that there is right of necessity where ordinary rules of juridical organization suggest no way of resolving the problem: "*Law must bow before Fact* and side with the conqueror: *factum valet*." The author, however, has no difficulty in showing that Germans made very different statements as to what their need might be. Self-defense against alleged imminent invasion of Belgium by France was advanced along with mere necessity founded on strategic conditions. But no satisfactory proofs were ever given of the first, while the second, he says, has

no proper place in international law, since it strikes across the independence and equality of sovereign states. *Notrecht* might be justified where public common interest conflicts with private individual interest, with law courts to decide; but there is no court as yet allowed to be arbiter for nations. Rather, as in the past, necessity is "the tyrant's plea". Many pages are given to examination of this theory, for of such was the chancellor's plea, made immediately after the violation, and, though afterwards seemingly withdrawn, still the most important explanation of Germany's action.

The remainder of the book examines later justifications attempted by the imperial government, by German juridical writers, and some Americans, apologists and propagandists—that the treaty of neutralization was not binding, that the German Empire had not succeeded to the obligations undertaken by Prussia in 1839, that the treaty was obsolete in accordance with the doctrine *rebus sic stantibus*, that Belgium had herself violated her permanent neutrality. These excuses, proffered when the original exculpation failed to satisfy the opinion of the world, have been disposed of by other writers, but no one has dealt with them all so thoroughly, or so cogently shown the contradictions which they involve, how lamely they have been stated, and how some of them can be made only with data unsatisfactory and incomplete, with careless ignorance or deliberate suppression of many of the facts.

The international significance of the violation of Belgian neutrality, dealt with in a final chapter, is touched by J. Van den Heuvel in an introduction. This writer notes that after Germany had trodden down Belgium in vain effort to avoid the fortified places and strike at the heart of France, eighteen months later she found herself, nevertheless, struggling against an enemy prepared at last by the impregnable ramparts of Verdun.

EDWARD RAYMOND TURNER.

BOOKS OF AMERICAN HISTORY

The Memorial of Fray Alonso de Benavides, 1630. Translated by MRS. EDWARD E. AYER. Annotated by FREDERICK WEBB HODGE and CHARLES FLETCHER LUMMIS. (Chicago: Privately Printed. 1916. Pp. xiii, 309.)

NEW MEXICO in 1630 was separated from the northern frontier of continuous settlement in New Spain by two hundred leagues of territory uninhabited by Europeans. Somewhere beyond, in the minds of the Spaniards, stretched the long-sought Strait of Anian. To the east lay the kingdoms of Quivira and Aixaos, between which and the English and Dutch settlements on the Atlantic coast a thriving trade was reputed to exist. On all sides, from one to three hundred leagues, extended the country of the Apaches—common enemies of all settled peoples. The colonists themselves were little affected by conditions in the mother-